

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

LINDA JOHNSON, WHITNEY McNEIL,)	
ROGELIO B. MENDOZA, On behalf of)	
THEMSELVES and All Others Similarly)	
Situated,)	
)	
Plaintiffs,)	
)	No. 2:07-CV-51
)	
v.)	
)	
KOCH FOODS, INC.,)	
)	
Defendant.)	

ORDER

For the reasons stated in the memorandum opinion filed contemporaneously with this order, “Plaintiffs’ Motion for Summary Judgment” [doc. 99] is **DENIED**.

“Koch Foods, LLC’s Motion for Summary Judgment on Count I (All Claims Except Plaintiffs’ Claim for Compensation for Meal Period Time)” [doc. 93] is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** as to the defense raised under § 203(o) of the Fair Labor Standards Act and based on the Collective Bargaining Agreement in effect between the parties. Plaintiffs’ claims for pre- and post-shift donning and doffing of protective gear and hand washing as described in the Collective Bargaining Agreement that have accrued since April 13, 2006, are barred. Koch Foods motion is **DENIED** in all other respects.

“Koch Foods, LLC’s Motion for Summary Judgment on Count II (Claim for Compensation for Meal Period Time)” [doc. 96] is **DENIED**.

“Plaintiffs’ Motion for Court-Ordered Mediation” [doc. 158] is **GRANTED** to the extent it seeks court-ordered mediation. The parties are **ORDERED TO MEDIATE IN GOOD FAITH**. However, the court does not believe the thirty-day requirement in the plaintiffs’ motion is necessarily realistic or fair. Therefore, **on or before 60 days from the entry of this order** the parties **SHALL FILE a WRITTEN REPORT** informing the court of the **STATUS** of their mediation.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge